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DOL# 12-03476

DENNIS MAZZETTI, individually
and on behalf of D.M. as the
"Next Friend" of D.M. a minor,
Plaintiff,

v.

THE NEW JERSEY DIVISION OF
CHILD PROTECTION AND
PERMANENCY ("DCP&P") (formerly
Division of Youth & Family
Services), CHRISTOPER JAMES
"CHRIS" CHRISTIE, in his
individual and official
capacities, LISA VON PIER, in
her official capacity as
Director of DCP&P, ALLISON
BLAKE, in her official capacity
as the Commissioner of the
Department of Children and
Families, , in her individual
capacity, BONNIE J. MIZDOL, in
her individual capacity and
official capacity, MARGARET
FOTI, in her individual capacity
and official capacity, VIRGINIA
A. LONG, in her individual and
official capacity, ELLEN
BUCKWALTER, in her individual
capacity, JOHN L. MOLINELLI, in
his individual and official

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
NEWARK VICINAGE

HON. KEVIN MCNULTY, U.S.D.J.

HON. MICHAEL A. HAMMER,
U.S.M.J.

CIVIL ACTION NO.
2:14-CV-8134 (KM-MAH)

**ORDER GRANTING PERMISSION TO
FILE EXHIBITS A-E UNDER SEAL**

capacity, KIMBERLY ROBERTS, in her individual capacity, ERICA ZAPATA, in her individual capacity, and John Does 1-15, Defendants.

This matter having been opened to the Court on application of Gurbir S. Grewal, Attorney General of New Jersey, Jessica A. Jannetti, Deputy Attorney General, appearing on behalf of for an Order granting DCF Defendants' motion for permission to file under seal, and the Court having considered the moving papers and for good cause shown,

L. Civ. R. 5.3(c) allows the Court to permit a party to seal, or otherwise restrict public access to, any material or judicial proceedings upon request by that party by formal motion made pursuant to L. Civ. R. 7.1 Under L. Civ. R. 5.3(c)(2), any motion to seal or otherwise restrict public access shall describe (a) the nature of the materials or proceedings at issue, (b) the legitimate private or public interests which warrant the relief sought, (c) the clearly defined and serious injury that would result if the relief sought is not granted, and (d) why a less restrictive alternative to the relief sought is not available.

1. The Court finds that the nature of the materials at issue is (1) Exhibit A, an "Order to Show Cause with Temporary Custody and to Appoint a Law Guardian," and (2) Exhibit B, a "Best Interest Evaluation" authored by Ada Liberant, Psy. D., regarding the minor child, (3) Exhibit C, "Forensic Evaluation for Best Interest/Parenting Capacity/Custody/Visitation/Parenting Time" authored by Barry A. Katz, Ph.D., regarding the minor child, (4) Exhibit D, a detailed mental health report, authored by Brett A.

Biller, Psy.D. regarding the minor child, and (5) Exhibit E, Plaintiff's "Evaluation of Attachment, Bonding and Reciprocal Connectedness between Parent-Child" authored by Kathleen Krol, Ph.D., regarding the minor child.

2. The Court finds further that the State Defendants have shown the interest that warrants such relief to be that state law requires Exhibits A, B, C, D, and E sealed.

3. Under N.J.S.A. 9:6-8.10a, "[a]ll records of child abuse reports made pursuant to section 3 of P.L.1971, c.437 (C.9:6-8.10), all information obtained by the Department of Children and Families in investigating such reports including reports received pursuant to section 20 of P.L. 1974, c.119 (C9:6-8.40), and all reports of findings forwarded to the child abuse registry pursuant to section 4 of P.L.1971, c.437 (C.9:6-8.11) shall be kept confidential and may be disclosed only under the circumstances expressly authorized under subsections b., c., d., e., f., and g. herein." Finally, the Court finds that there is no less restrictive alternative to the relief sought by Defendants.

4. State law dictates that domestic violence records and reports be kept similarly protected. See N.J.S.A. 2C:25-33.

5. These documents have been produced in discovery and they are therefore relevant to the Court's decision on the State Defendants' Motion for Summary Judgment.

The Court having considered this matter pursuant to Fed. R. Civ. P. 78, and for good cause shown;

IT IS on this 4th day of September, 2019.

ORDERED that the motion to seal or otherwise restrict public access to Exhibit A , B, C, D, and E, which contain confidential information, shall be and hereby is GRANTED.

_____ Opposed

_____ Unopposed

SO ORDERED



Kevin McNulty, U.S.D.J.

Date: 7/4/2019